

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

AMENDED AGENDA

Regular Meeting: Monday, October 22, 2012 at 7:00 p.m.

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.

DATE POSTED: 10-18-2012

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

Jay Lambert-President Joan B. Chabot Robert D. Coulter

Cecil E. Leonard-Vice President David M. Nelson Brett N. Pelletier

Edward Roderick

3. APPROVAL OF CONSENT AGENDA

All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a

member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

PROCLAMATION NATIONAL FRIENDS OF LIBRARIES WEEK

CONSENT AGENDA:

**(C.A.) 1. a. Approval of Minutes From Regular Council Meeting
October 9, 2012**

Councilor Leonard Abstains - Absent

**b. Approval of Executive Session Minutes Meeting
October 9, 2012**

Councilor Leonard Abstains - Absent

**c. Approval of Minutes From Special Council Meeting January 19,
2011**

Councilor Nelson Abstained - Absent

**d. Approval of Minutes From Special Council Meeting January 17,
2011**

**e. Approval of Executive Session Minutes From Special Council
Meeting January 17, 2011**

**f. Approval of Executive Session Minutes From Meeting January
10, 2011**

g. Approval of Minutes From Joint Workshop on January 5, 2011

**(C.A.) 2. Receipt of Minutes from the Following Boards,
Commissions**

a. Board of Canvassers (2)

b. Prevention Alliance

(C.A.) 3. Correspondence – Receive and File

a. Received From Barbara F. Pelletier Regarding Tourist Accommodations – Referred to Town Solicitor

b. Received From Roger A. Bennis Regarding Sakonnet Bridge Tolls

(C.A.) 4. Approval of Tax Assessor Abatements

(C.A.) 5. Kate Michaud, Administrative Officer of Planning Board –Report of Activities for September

(C.A.) 6. Town Treasurer Denise Saurette – Distribution of September Revenue and Expense Reports

a. Distribution of Financial Status Report

A-7 OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

C. BOARD OF LICENSING

1 - NON ADVERTISED

Approval of Entertainment Licenses Subject To Meeting All Legal

Requirements

December 1, 2012 – November 30, 2013

- a. Silva Brothers, Inc. d/b/a Barcello's Family Restaurant, 1214 Stafford Road**
- b. Spring Restaurant, Inc., 118-120 Main Road**
- c. Benjamin's Sports Pub, Inc., 4 Stafford Road**
- d. Kfoury Inc. d/b/a Restaurant, Banquet & Catering, 91-97 Crandall Road**
- e. Senior Lifestyle Sakonnet Bay LP, 1215 Main Road**
- f. Faithe J. Bortz d/b/a P.J's Café, 301 State Avenue**
- g. Father Joseph Boehr Columbian Club Inc. d/b/a Knights of Columbus, 28 Fish Road**
- h. Wooddrow L. Silvia Post Home Assoc., 134 Shove Street**
- i. Bayview Holy Ghost Citizen's Club, 66 Bottom Street**
- j. HueJan, Inc. d/b/a Lil'Bear Sports Lounge, 983 Main Road**
- k. Everett lane, Inc. d/b/a Family Ties restaurant, 221 Main Road**
- l. Atlantic Sports Pub, Inc., 70 Shove Street**
- m. Susan's Restaurant, Inc., 13 Crandall Road**
- n. Sandywoods Farm, Inc., 43 Muse Way**
- o. Nonni's Inc. d/b/a Nonni's Kitchen & Pasta Shop, 1154 Stafford Road**

2. - BOARD OF LICENSING - PUBLIC HEARINGS – NON ADVERTISED
David L. Sission, 64 Pools Lane – Show Cause Hearing on Street Excavator License

3 - BOARD OF LICENSING - PUBLIC HEARINGS - ADVERTISED

Junkyard and Second Hand Dealer License Renewals December 1, 2012-November 30, 2013 – Subject To Meeting All Legal Requirements

- a. Arnold's Auto Parts, 1484 Crandall Road**
- b. General Auto Recycling Inc., 384 King Road**
- c. Alan J. Lagasse, d/b/a Lagasse Salvage Yard, 20 Cory's Lane**
- d. Sanford & Son LTD, 104 Cynthia Avenue**
- e. South Shore Tiverton LLC., 413 Bulgarmarsh Road**
- f. Tiverton Auto Parts, Inc., 541 Bulgarmarsh Road**
- g. Tiverton Auto Parts, Inc., 533 Bulgarmarsh Road & Lot 116 Card 29**

4 - BOARD OF LICENSING - PUBLIC HEARINGS - ADVERTISED

Liquor License Renewals – December 1, 2012 to November 30, 2013 – Subject To Meeting All Legal Requirements

CLASS A – Liquor Stores - (\$1000)

- 1. Chandri, Inc. d/b/a Tiverton Liquors, 65 Main Rd.**
- 2. Nimraj, Inc. d/b/a Crossroad Liquors Inc. 1540 Bulgarmarsh Rd.**
- 3. Smittom Inc. d/b/a Stone Bridge Liquors 2490 Main Rd.**

CLASS BV– Full Liquor License - (\$800)

- 4. Silva Brothers Inc. d/b/a Barcello's Family Restaurant, 1214 Stafford Rd.**
- 5. Spring Restaurant, Inc. 118-120 Main Rd**
- 6. Le Moulin Rouge, Inc. 1403 Main Rd**
- 7. Benjamin's Sports Pub, Inc. 4 Stafford Rd**

8. **Faithe J. Bortz d/b/a P. J's Café 301 State Ave.**
9. **Mykonos Restaurant Inc. d/b/a Stone Bridge Restaurant, 1848 Main Rd.**
10. **Evelyn's Nanaquaket Drive-In, Inc. 2335 Main Rd.**
11. **Kfoury Inc. d/b/a Brantal's Restaurant, Banquet & Catering Facility, 91-97 Crandall.**
12. **The Boat House Restaurant, LLC, 227 Schooner Drive**
13. **Nonni's Inc. d/b/a Nonni's Kitchen & Pasta Shop 1154 Stafford Rd.**
14. **HUEJAN Inc. d/b/a Lil' Bear Sports Lounge 983 Main Rd.**
15. **Everett Lane Inc. d/b/a Family Ties Restaurant 221 Main Road**
16. **Atlantic Sports Pub, Inc. 70 Shove St.**
17. **Susan's Restaurant 13 Crandall Rd.**
18. **D & L CORP. 180 Main Rd. (for 79 Main Rd.)**
19. **Black Goose Company d/b/a Black Goose Café 2160 Main Rd.**

CLASS BVL – Limited Liquor License (\$400.)

20. **Classic Pizza Inc. 495 Main Rd.**
21. **Soule-Seabury Associates, Inc. d/b/a Four Corners Grill, 3841 Main Rd.**
22. **Fu Li Hua Corp. d/b/a Asian Gourmet 1715 Stafford Rd.**

CLASS BT – Bed and Tavern - (\$800)

23. **Senior Lifestyle Sakonnet Bay LP, 1215 Main Rd.**

CLASS D –Unlimited Club Licenses (\$200.)

24. Father Joseph Boehr Columbian Club, Inc.

d/b/a Knights of Columbus, 28 Fish Rd.

25. Woodrow L. Silvia Post Home Association, Inc. 134 Shove St.

26. Bayview Holy Ghost Citizens Club, 66 Bottom St.

D - APPOINTMENTS & RESIGNATIONS:

1. Appointment to Board of Canvassers – Alternate

a. Jean M. Veegh, 8 Rim Rock Court

b. Granger Jerome, 42 Nonquit Lane

c. Jesse Bertholde, 334 Hilton St.

d. Sandra Balfour, 375 East Road

e. Tammy Balfour, 375 East Road

E - UNFINISHED BUSINESS:

1. Councilor Nelson – Proposal by Site Ready Materials for Eagleville Road

Backup Documentation

Review Town Administrator's Actions Regarding Site Ready Materials

Review Code Enforcement Actions Regarding Site Ready Materials

a. Correspondence From Residents Dated October 7th

b. Correspondence From Residents Dated October 9th

c. Correspondence From Attorney Reilly & Associates to Gareth

Eames Building/Zoning Official

F – FINANCIAL BUSINESS:

G - NEW BUSINESS:

- 1. Ratification of IBPO Contract 7/1/2012 to 6/30/2015 With Public Impact Summary**

H – BIDS AND REQUESTS FOR PROPOSALS

- 1. Town Administrator – Request Authorization to Advertise for Mowing Services**
- 2. Police Chief – Request Authorization to Advertise to Establish a List for Position of Police Officers**

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

- 1. Update on Nonquit School Property - Request Authorization for Survey**
- 2. Solicitor - Distribution of Nonquit Title Report**

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

- 1. Councilor Pelletier –Moratorium on Hydronic Heaters**

2. Councilor Coulter – New Sakonnet River Bridge Tolls

3. Councilor Chabot – Review Nov 6th Polling Location Information/Postcard

a. Discussion of November 6th General Election - Poll Locations and Districts

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

1. Brief Update on Tiger Tree/James Pelletier v Tiverton

2. Viera vs Tiverton et al – Filings

- a) Reply to Counterclaim of Joseph Belaeff**
- b) Request for Prod of Def Yatsevitch Propounded to P. T. Viera**
- c) Request for Prod of Def Yatsevitch Propounded to Plt. G. Viera**
- d) Interrogatories of Yatsevitch Propounded to Plaintiff T. Viera**
- e) Interrogatories of Def. Yatsevitch Propounded to P. G. Viera**
- f) Entry of Appearance of S. Harten**
- g) Answer of Def Yatsevitch to Second Amended Complaint**
- h) Def. McGovern First Set of Interrogatories Propounded to Wesner**
- i) Answer McGovern**
- j) Answer, Affirmative Defenses and Counterclaim**
- k) Answer of Joseph Belaeff Wesner**
- l) Entry of Appearance and Answer of Andrea Raposa**

L- TOWN CLERK ANNOUNCEMENTS

5. CLOSED EXECUTIVE SESSION

- 1. Councilor Chabot – Personnel – 42-46-5(a)(1) – Performance Evaluation of Town Administrator Notice Provided**
- 2. Town Solicitor – 42-46-5(a)(2) – Potential Litigation Site Ready Materials and Recycling Co**

A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended

6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”